

AMENDMENT TO H.R. 29**OFFERED BY MR. STEARNS OF FLORIDA**

[Page and line numbers refer to Committee Print of February, 16, 2005, showing text of H.R. 29, as reported by the Subcommittee on Commerce, Trade, and Consumer Protection]

Page 1, line 3, strike “SPY ACT” and insert “Spy Act”.

Page 3, after line 19, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

1 (4) Inducing the owner or authorized user of
2 the computer to disclose personally identifiable information by means of a Web page that—

4 (A) is substantially similar to a Web page
5 established or provided by another person; and

6 (B) misleads the owner or authorized user
7 that such Web page is provided by such other
8 person.

Page 7, strike line 1 and insert the following:

9 (b) INFORMATION COLLECTION PROGRAM.—

10 (1) IN GENERAL.—For pur-

Page 7, line 3, strike “—” and insert “performs either of the following functions:”.



Page 7, line 4, strike “(1)(A) collects” and insert the following:

1 (A) COLLECTION OF PERSONALLY IDENTIFI-
2 FIABLE INFORMATION.—The computer
3 software—
4 (i) collects

Page 7, line 6, strike “(B)(i)” and insert “(ii)(I)”.

Page 7, line 9, strike “(ii)” and insert “(II)”.

Page 7, line 11, strike “(2)(A) collects” and insert the following:

5 (B) COLLECTION OF INFORMATION RE-
6 GARDING WEB PAGES VISITED TO DELIVER AD-
7 VERTISING.—The computer software—
8 (i) collects

Page 7, line 13, strike “(B)” and insert “(ii)”.

Page 7, after line 14, insert the following new paragraph:

9 (2) EXCEPTION FOR SOFTWARE COLLECTING
10 INFORMATION REGARDING WEB PAGES VISITED
11 WITHIN A PARTICULAR WEB SITE.—Computer soft-
12 ware that otherwise would be considered an informa-
13 tion collection program by reason of paragraph
14 (1)(B) shall not be considered such a program if—



1 (A) the only information collected by the
2 software regarding Web pages that are accessed
3 using the computer is information regarding
4 Web pages within a particular Web site;

5 (B) such information collected is not sent
6 to a person other than—

7 (i) the provider of the Web site
8 accessed; or

9 (ii) a party authorized to facilitate the
10 display or functionality of Web pages with-
11 in the Web site accessed; and

12 (C) the only advertising delivered to or dis-
13 played on the computer using such information
14 is advertising on Web pages within that par-
15 ticular Web site.

Page 8, line 6, strike “(b)(1)” and insert
“(b)(1)(A)”.

Page 8, line 11, strike “(b)(2)” and insert
“(b)(1)(B)”.

Page 8, lines 17 and 18, strike “paragraphs (1) and
(2) of subsection (b)” and insert “subparagraphs (A) and
(B) of subsection (b)(1)”.

Page 12, strike line 16 and insert “subparagraph
(A)(ii)(II) or (B)(ii) of subsection (b)(1)”.



Page 13, line 5, strike “may” and insert “shall”.

Page 15, line 7, strike “Relief” and insert “Civil penalties”.

Page 21, line 17, after the period insert the following: “In exercising its authority to issue any regulation under this Act, the Commission shall determine that the regulation is consistent with the public interest and the purposes of this Act.”.

Page 22, line 5, strike “3(b)(1)” and insert “3(b)(1)(A)”.

Page 23, line 12, strike “, a” and insert the following:

1 (i) a

Page 23, line 13, before “or” the first place it appears insert a semicolon.

Page 23, line 13, strike “any other” and insert the following:

2 (ii) any other

Page 24, line 4, strike “3(b)” and insert “3(b)(1)”.

Page 24, line 14, strike “(b)” and insert “(b)(1)”.

Page 26, line 17, strike “specified under” and insert “described in”.



Page 26, strike “except that” in line 19 and all that follows through line 25 and insert the following: “except that such additional types of information shall be considered personally identifiable information only to the extent that such information allows living individuals, particular computers, particular users of computers, or particular email addresses or other locations of computers to be identified from that information.”

Page 27, after line 19, insert the following new paragraph:

- 1 (18) WEB SITE.—The term “web site” means a
2 collection of Web pages that are presented and made
3 available by means of the World Wide Web as a sin-
4 gle Web site (or a single Web page so presented and
5 made available), which Web pages have such charac-
6 teristics in relation to each other as the Commission
7 may prescribe, which may include—
8 (A) a common domain name;
9 (B) a common theme or topic;
10 (C) common ownership, management, or
11 registration; and
12 (D) relationship to a common intended be-
13 ginning file or home page or other means of ac-
14 cessing or linking the pages together.

